

### REMARKS

Claims 1-22 are pending, of which claim 1 is independent method claim with corresponding independent computer program product claim 11, and claim 22 is an independent system claim. As indicated above, claims 1, 10, and 11 have been amended by this paper, and claims 8-9 and 19 have been canceled without prejudice. Applicants note for the record that the subject matter of claims 8-9 and 19 has been incorporated into the corresponding independent claims, and therefore canceling these claims does not evince an intent to surrender any subject matter.

The Office Action rejected independent claims 1 and 11 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by U.S. Patent No. 6,356,278 to Stamm et al. ("*Stamm*"), and rejected independent claim 22 under 35 U.S.C. § 103(a) as being unpatentable over *Stamm* in view of U.S. Patent Application Publication No. US2002/0167523 A1 by Taylor et al. ("*Taylor*"). The Office Action rejected the remaining dependent claims as either anticipated under 35 U.S.C. § 102(e) by *Stamm* or as unpatentable over *Stamm* in view of *Taylor* under 35 U.S.C. § 103(a).<sup>2</sup> The Office Action also rejected claims 1, 3, and 11, under 35 U.S.C. § 112, second paragraph, as being indefinite.<sup>3</sup>

With respect to the requirement for definiteness in 35 U.S.C. § 112, second paragraph, section 2173.02 of the MPEP states that "[t]he essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." In other words, "[t]he test for definiteness under 35 U.S.C. 112, second paragraph is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification.'" *Id.* "A

---

<sup>1</sup> Because Stamm issued prior to Applicants filing date, Applicants note that Stamm also appears to qualify as a reference under 35 U.S.C. § 102(a) at this time.

<sup>2</sup> Although the prior art status of all cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

<sup>3</sup> Claims 1, 4-10, and 12-21 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, but only because they depend from claims 1 and 11.

fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers." MPEP § 2173.01.

With respect to the rejections under 35 U.S.C. § 112, second paragraph, the Office Action indicates that claims 1 and 11 recite "one or more function calls" and asserts that it is not clear what function calls are and how these function calls are made. The example embodiments discussed at paragraphs [0066]-[0122], however, make it sufficiently clear to one of ordinary skill in the art what function calls are and how the function calls are made. Accordingly, Applicants respectfully submit that the rejection of claims 1 and 11 based on the phrase "one or more function calls" is improper and should be withdrawn.

The Office Action also indicates that claims 1 and 11 recite the phrase "of a sub-component-oriented character" and that it is not clear whether "sub-component-oriented" stands for characters with sub-components or without sub-components. Applicants refer the Examiner to the explicit definition of "sub-component-oriented character" in paragraph [0049] of the specification (e.g., a character that treats each pixel sub-component as a distinct luminance intensity source). Note that pixel sub-components are described in the background, beginning with paragraph [0005]. Based on this definition and the background material, Applicants respectfully submit that the rejection of claims 1 and 11 based on the phrase "sub-component-oriented character" is improper and should be withdrawn.

The Office Action further indicates that claim 3 recites "a non-solid background" and asserts that it is not clear what a non-solid background is nor how backgrounds could be non-solid. Applicants refer the Examiner to paragraphs [0070] and [0077], which indicate that a non-solid background is a background that is not a solid color, such as when a character is being rendered on top of an already existing image. Accordingly, Applicants respectfully submit that the rejection of claim 3 based on the phrase "non-solid background" is improper and should be withdrawn.

With respect to the rejections under 35 U.S.C. §§ 102(e) and 103(a), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. "[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation . . . to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

Applicants invention, as claimed for example in independent method claim 1, relates to rendering sub-component-oriented characters within the displayed image using a hardware graphics unit. The method generates a bit-map representation of a sub-component-oriented character by using a sample to generate each pixel sub-component; processes the sub-component-oriented character to interface with an application program interface of the hardware graphic unit—the application program interface is configured to treat each pixel as a single luminance intensity source, rather than treating each pixel sub-component as a single luminance intensity source; and renders the sub-component-oriented character on the display device by making one or more function calls to the hardware graphics unit using the application program interface. Independent claim 11 recites similar limitations, and at least with respect to the application program interface of the hardware graphics unit, claim 22 also recites similar limitations.

In rejecting claims 9 and 10, which have now been rewritten as independent claims 1 and 11, respectively, the Office Action asserts that paragraph [0126] of *Taylor* teaches processing a sub-component-oriented character to interface with an application program interface. Applicants respectfully disagree.

Recall from above that the specification defines a sub-component-oriented character as a character that treats each pixel sub-component as a distinct luminance intensity source. Also keep in mind that with respect to claim 1, the application program interface for the hardware graphic unit is configured to treat each pixel as a single luminance intensity source, rather than treating each pixel sub-component as a single luminance intensity source. In accordance with claim 1, therefore, the sub-component-oriented character—the character that treats each pixel sub-component as a distinct luminance intensity source—is processed to interface with the application program interface of the hardware graphics unit, which is configured to treat each pixel as a single luminance intensity source.

Nothing in paragraph [0126] of *Taylor* indicates processing of characters that treat pixel sub-components as a distinct luminance intensity source. Rather, paragraph [0126] of *Taylor*

simply references applying multiple texture maps to a polygon. It is interesting to note that in paragraph [0126], *Taylor* specifically references DirectX®, the example Applicants use of a conventional application programming interface, allowing for only one transparency value which corresponds to the transparency at a pixel as a whole, and therefore having an apparent incompatibility with sub-component-oriented pixel processing. See Specification, ¶¶ [0069]-[0070]. Paragraph [0126] of *Taylor* makes no reference to this apparent incompatibility in particular, nor, more generally, to a character that treats pixel sub-components as distinct luminance intensity sources. X

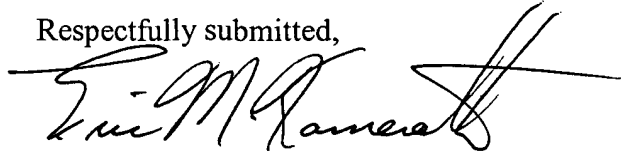
Accordingly, among other things, *Taylor* fails to teach, suggest, or motivate processing a sub-component-oriented character to interface with the application program interface of a hardware graphic unit that is configured to treat each pixel as a single luminance intensity source, rather than treating each pixel sub-component as a single luminance intensity source. Applicants, respectfully submit, therefore, that the rejection of claims 1, 11, and 22, as amended, should be withdrawn.

Based on at least the foregoing reasons, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 11, and 22. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 11th day of June, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath", with a long horizontal flourish extending to the right.

RICK D. NYDEGGER  
Registration No. 28,651  
ERIC M. KAMERATH  
Registration No. 46,081  
Attorneys for Applicant  
Customer No. 022913

EMK:kc  
KC0000002550V001